| UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK | |
|--|--|
| NATIONAL RAILROAD PASSENGER CORPORATION, | : : |
| Plaintiff, | : : : |
| v. | : |
| ARCH SPECIALTY INSURANCE COMPANY; ASPEN SPECIALTY INSURANCE COMPANY; COMMONWEALTH INSURANCE COMPANY; FEDERAL INSURANCE COMPANY; LEXINGTON INSURANCE COMPANY; LIBERTY MUTUAL FIRE INSURANCE COMPANY; CERTAIN UNDERWRITERS AT LLOYD'S OF LONDON and CERTAIN LONDON MARKET COMPANIES Subscribing to Policy Nos. 507/N11NA08240, 507/N11NA08241, 507/N11NA08242, 507/N11NA08244, 507/N11NA08244, 507/N11NA08245 and GEP 2944; MAIDEN SPECIALTY INSURANCE COMPANY; MAXUM INDEMNITY COMPANY; NAVIGATORS INSURANCE COMPANY; PARTNER REINSURANCE EUROPE plc; RSUI INDEMNITY COMPANY; STEADFAST INSURANCE COMPANY; and WESTPORT INSURANCE CORPORATION, Defendants. | : 14 Civ. 7510 (JSR) : : : : : : : : : : : : : : : : : : : |
| | X |

DEFENDANT-INSURERS' MOTION IN SUPPORT OF THEIR MOTION IN LIMINE TO PRECLUDE THE EXPERT OPINION TESTIMONY OF NASRI MUNFAH OF HNTB

PLEASE TAKE NOTICE that, pursuant to Rule 9 of the Individual Rules of Practice of Hon.

Jed S. Rakoff and Local Civil Rule 6.1(b), defendants Arch Specialty Insurance Company, Aspen

Specialty Insurance Company, Commonwealth Insurance Company, Federal Insurance

Company, Lexington Insurance Company, Liberty Mutual Fire Insurance Company, Certain

Underwriters at Lloyd's of London, and Certain London Market Companies Subscribing to Policy Nos. 507/N11NA08240, 507/N11NA08241, 507/N11NA08242, 507/N11NA08244, 507/N11NA08245 and GEP 2944, Maiden Specialty Insurance Company, Maxum Indemnity Company, Navigators Insurance Company, Partner Reinsurance Europe plc, RSUI Indemnity Company, Steadfast Insurance Company, Torus Specialty Company, and Westport Insurance Corporation (collectively, "Defendant-Insurers") will move the Court for an order granting its motion *in limine* to exclude certain evidence – namely, the expert opinion testimony of Nasri Munfah of HNTB – pursuant to Federal Rules of Evidence 702 and 403.

Pursuant to Local Civil Rule 6.1(b) Plaintiff's response, if any, must be served and filed no later than May 4, 2015.

Dated: New York, New York April 17, 2015

ROPES & GRAY LLP

By: /s/ Catherine A. Mondell

Catherine A. Mondell (catherine.mondell@ropesgray.com) 800 Boylston Street Boston, MA 02199 Telephone: (617) 951-7000

Evan P. Lestelle (evan.lestelle@ropesgray.com) 1211 Avenue of the Americas New York, NY 10036 Telephone: (212) 596-9000

Joseph G. Cleemann (joseph.cleemann@ropesgray.com) 1211 Avenue of the Americas New York, NY 10036 Telephone: (212) 596-9000

Attorneys for Defendants Partner Reinsurance Europe plc, Torus Specialty Insurance Company, Westport Insurance Corporation, and Certain Underwriters at Lloyd's of London and Certain London Market Insurance Companies subscribing to Policy Nos. GEP 2944, 507/N11NA08242, 507/N11NA08244, and 507/N11NA08244.

All other signatories listed, and on whose behalf this filing is submitted, consent to its filing.

MOUND COTTON WOLLAN & GREENGRASS, LLP

By: /s/ Costantino P. Suriano

Costantino P. Suriano

(csuriano@moundcotton.com)

Bruce R. Kaliner

(bkaliner@moundcotton.com)

One New York Plaza

New York, New York 10004

Telephone: (212) 804-4200

Attorneys for Defendants Commonwealth Insurance Company, Lexington Insurance Company, Maiden Specialty Insurance Company, Steadfast Insurance Company, and International Insurance Company of Hannover SE.

BRUCKMANN & VICTORY, LLP

By: /s/ Arjang Victory

Arjang Victory (victory@bvlaw.net) Timothy G. Church (church@bvlaw.net) 420 Lexington Avenue, Suite 1621 New York, NY 10170

Tel: (212) 850-8500

Attorneys for Defendants Arch Specialty Insurance Company, Aspen Specialty Insurance Company, Federal Insurance Company, Certain Underwriters at Lloyd's of London and Certain London Market Insurance Companies subscribing to Policy Nos. 507/Nl1NA08240 and 507/Nl1NA08241, Maxum Indemnity Company, Navigators Insurance Company, and RSUI Indemnity Company.

FINAZZO COSSOLINI O'LEARY MEOLA & HAGER, LLC

By: /s/ Christopher S. Finazzo
Christopher S. Finazzo
(christopher.finazzo@finazzolaw.com)
5 Penn Plaza, 23rd Floor
New York, NY 10001
Tel: (646) 378-2033

Attorney for Defendant Liberty Mutual Fire Insurance Company